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11 San Francisco Bay Area Rapid Transit District
12 and Alameda Park Street Bicycles, Inc. dba
13 Alameda Bicycle

14 UNITED STATES DISTRICT COURT
15
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17
18 - SAN FRANCISCO -
19

20 GREGORY PILLING,
21
22 Plaintiff,
23
24 vs.

25 BAY AREA RAPID TRANSIT DISTRICT, a
26 Public Entity, ALAMEDA PARK STREET
27 BICYCLES, INC., a California Corporation
28 doing business as ALAMEDA BICYCLE and
DOES 1 - 10,
Defendants.

Case No.: C12-02186 JCS

RULE 26(a) INITIAL DISCLOSURE OF
DEFENDANTS SAN FRANCISCO BAY
AREA RAPID TRANSIT DISTRICT AND
ALAMEDA PARK STREET BICYCLES,
INC.

Defendants SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT (sued herein as Bay Area Rapid Transit District, hereinafter "BART") and ALAMEDA PARK STREET BICYCLES, INC. dba ALAMEDA BICYCLE ("Alameda Bicycle") make the following initial disclosures pursuant to Federal Rules of Civil Procedure, Rule 26(a) and General Order No. 26:

I. WITNESSES

The following witnesses may have relevant knowledge regarding plaintiff's allegations about

1 the 10 minute rule at the Bike Station and may be reached through counsel of record:

2 A. BART Employees:

- 3 1. Bob Franklin.
- 4 2. Steven Beroldo.
- 5 3. Laura Timothy.

6 Mr. Franklin is the manager of Customer Development and Station Access and has general
7 knowledge about BART's accessibility programs and the use of bicycles within the BART system.

8 Mr. Beroldo is the manager of Access Programs; he has information about the Bike Station and use of
9 bicycles within the BART system. Ms. Timothy is the manager of Access and Accessible Services and
10 has information about BART's accessibility programs for the disabled.

11 B. Non-BART Employees :

- 12 1. Gene Oh.
- 13 2. Jim Burakoff.
- 14 3. Steven Grover.
- 15 4. Hannah Peragine.

16 Mr. Oh is the President of Alameda Park Street Bicycles, Inc. and has knowledge about the
17 Bike Station and its business relationship with BART. Mr. Burakoff is the manager of the Bike Station
18 and has knowledge about its day to day operation and the implementation of 10 minute rule. Mr.
19 Grover and Ms. Peragine are employees of eLock Technologies, LLC and have knowledge about the
20 electronic locking system and its operation and implementation of the 10 minute rule.

21 Defendants reserve the right to designate other witnesses whose identities become known as a
22 result of investigation and discovery and further reserves the right to call as witnesses individuals not
23 designated herein as may be required for the purpose of rebuttal and/or impeachment.

24 II. DOCUMENTS

25 Defendants identify herein and will produce the following categories of documents in its
26 possession, custody, or control that may be used in support of its defenses:

- 27 A. Membership terms and information for the Bike Station;
- 28 B. Plaintiff's membership agreement to the Bike Station;

1 C. BART's agreement with Alameda Bicycle for management of the Bike Station;
2 and

3 D. Records relating to the electronic lock system specifications and underlying
4 software architecture.

5 Defendants do not identify herein documents relating to the construction or alteration of the
6 subject premises, i.e., the Bike Station because plaintiff makes no complaint about the physical
7 accessibility of the Bike Station, but only about the implementation of its 10 minute rule.

8 With respect to those documents that are withheld from production based on claims of
9 privilege, BART will prepare a privilege log to be provided at the time the documents are produced.

10 BART expressly reserves the right to produce additional documents that may become known as
11 discovery and investigation continues. BART further expressly reserves the right to use documents as
12 may be required for the purpose of rebuttal and/or impeachment.

13 III. DAMAGES COMPUTATION

14 BART has asserted no affirmative claims and has not alleged damages.

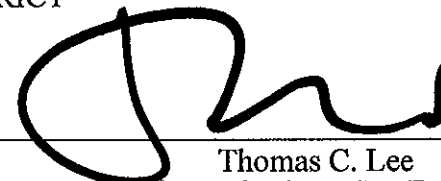
15 IV. LIABILITY INSURANCE

16 BART is self-insured.

17 Dated: August 3, 2012

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19 SAN FRANCISCO BAY AREA RAPID TRANSIT
20 DISTRICT

21 By _____



22 Thomas C. Lee
23 Attorneys for Defendants San Francisco Bay
24 Area Rapid Transit District and Alameda Park
25 Street Bicycles, Inc.
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